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7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 ALEXIS MUNOS, an individual; LUIS  
11 CASTILLO LEYS, an individual; NARCISO  
12 MUNOZ GIL, an individual; YURIEN  
MUNOZ, an individual,

13 Plaintiffs,

14  
15 v.

16 MATTHEW KILLION, an individual; J.  
RENTAL, INC. d/b/a HANK RENTAL, a  
17 foreign corporation; DOES I-X, inclusive;  
AND ROE BUSINESS ENTITIES I-X;  
18 inclusive,

19 Defendants.

CASE NO. 2:24-cv-00096-RFB-MDC

**DEFENDANTS', MATTHEW KILLION  
AND J. RENTAL, INC., UNOPPOSED  
MOTION FOR EXTENSION TO  
RESPOND TO THE COMPLAINT**

**[FIRST REQUEST]**

20 Defendants J. RENTAL, INC. d/b/a HANK RENTAL and MATTHEW KILLION,  
21 through undersigned counsel and pursuant to the applicable Federal Rules of Civil Procedure,  
22 including rules 6, 12, and 81, and Local Rule 6-1, hereby move this Court for its *first* unopposed  
23 extension of time through Friday, January 26, 2024, to respond to Plaintiffs' Complaint. [Doc. No.  
24 1-3]. In support hereof, Defendants state as follows:

26 1. This litigation arises out of a complaint against the Defendants due to a motor  
27 vehicle accident that occurred on December 15, 2021. [Doc. 1-3].  
28

1           2.       On January 11, 2024, Defendants removed this litigation to federal court. [Doc. 1].

2           3.       Pursuant to rule 81, Defendant Killion’s response to the Complaint was due to be  
3 served on Thursday, January 18, 2024, and Defendant J. Rental’s response to the Complaint is due  
4 on January 24, 2024.

5           4.       Defendants are respectfully requesting this Court grant this unopposed motion to  
6 extend their deadline to respond to the Complaint through and including Friday, January 26, 2024.

7           5.       This is Defendants’ *first* motion for extension of time to respond to the Complaint.

8           6.       Federal Rule of Civil Procedure 6(b)(1)(A) provides that this Court has broad  
9 discretion to enter an extension of time for good cause. *See also* Fed. R. Civ. P. 6(b) (Comm.  
10 Note, 1946) (“Rule 6(b) is a rule of general application giving wide discretion to the court to  
11 enlarge these time limits or revive them after they have expired . . .”); L.R. 6-1.

12           7.       Through no fault of Defendants and due to counsel’s excusable neglect, the  
13 response to the Complaint for *both* Defendants was inadvertently calendared as due to be served  
14 on January 24, 2024. *See Antonetti v. McDaniels*, 2019 U.S. Dist. LEXIS 10346 (D.C. Nev. June  
15 20, 2019) (finding that a calendaring error was excusable neglect); *Moradi v. Adelson*, 2011 U.S.  
16 Dist. LEXIS 74060 (D.C. Nev. July 7, 2011) (“[A] counsel’s calendaring error, which resulting in  
17 a late filing, qualified as ‘excusable neglect.’” (quoting *Pincay v. Andrews*, 389 F.3d 853, 860 (9th  
18 Cir. 2004))).

19           8.       Furthermore, good cause exists for the relief requested in order to allow Defendants  
20 sufficient time to review and approve the response to the Complaint.

21           9.       Pursuant to rules 6 and 12, and local rule 6-1, counsel for Defendants has conferred  
22 with counsel for Plaintiffs, Eric Larsen, and is authorized to represent that Plaintiffs do not have  
23 any objection to this extension request.

1           10.     This Motion is made in good faith and not for the purpose of unnecessary delay,  
2 and no party will be prejudiced as a result of the relief requested herein.

3           11.     A copy of the Proposed Order is attached as **Exhibit A**.

4           WHEREFORE, based on the above facts and legal authorities, Defendants J. RENTAL,  
5 INC. d/b/a HANK RENTAL and MATTHEW KILLION respectfully request this Court grant this  
6 First Unopposed Motion and extend the deadline for filing a response to Plaintiffs' Complaint  
7 through and including Friday, January 26, 2024.  
8

9           **Dated this the 24th day of January, 2024.**

10   LEWIS BRISBOIS BISGAARD & SMITH LLP

11   /s/ Christopher A. Elsee

12   DARRELL D. DENNIS

13   Nevada Bar No. 006618

14   CHRISTOPHER A. ELSEE

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18   Tel. 702.893.3383

19   *Attorneys for Defendants Matthew Killion and J.*  
20   *Rental, Inc.*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 24th day of January, 2024, I electronically filed  
**DEFENDANTS' MATTHEW KILLION AND J. RENTAL, INC.'S NOTICE OF  
REMOVAL** with the Clerk of the Court through the E-Filing System.

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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 ALEXIS MUNOS, an individual; LUIS  
5 CASTILLO LEYS, an individual; NARCISO  
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13 AND ROE BUSINESS ENTITIES I-X;  
14 inclusive,

15 Defendants.

CASE NO. 2:24-cv-00096-RFB-MDC

**ORDER GRANTING DEFENDANTS',  
MATTHEW KILLION AND J. RENTAL,  
INC., UNOPPOSED MOTION FOR  
EXTENSION TO RESPOND TO THE  
COMPLAINT**

**[FIRST REQUEST]**

16 THIS CAUSE came before the Court on Defendants', J. RENTAL, INC. d/b/a HANK  
17 RENTAL and MATTHEW KILLION, First Unopposed Motion for Extension to Respond to the  
18 Complaint, and the Court having reviewed the Motion, the Court file, and being otherwise advised  
19 in its premises, hereby Orders that:

- 20 1. The Court finds that Defendants have demonstrated excusable neglect pursuant to Federal  
21 Rule of Civil Procedure 6(b), and Local Rule 6-1.
- 22 2. The Court further finds good cause to grant the Motion and extend the Defendants'  
23 deadline to respond to Plaintiffs' Complaint, as agreed-to by the parties in the Motion.
- 24 3. Accordingly, Defendants' Motion is **GRANTED**.
- 25 4. Defendants shall file a response to Plaintiffs' Complaint by January 26, 2024.
- 26 5. All other deadlines shall remain in place.
- 27 6. Defendants are advised of the typo in the Certificate of Service. Please correct in the future.

28 **IT IS SO ORDERED.**

Date: January 30, 2024

  
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Maximiliano D. Couvillier III  
UNITED STATES MAGISTRATE JUDGE